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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,370	10/17/2003	James A. Otterbeck	03-5001	2237

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Leonard C. Suchyta
c/o Christian Andersen
Verizon Corporate Services Group Inc.
600 Hidden Ridge, HQE03H01
Irving, TX 75038

EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,370

Applicant(s)

OTTERBECK ET AL.

Examiner

Kiet Doan

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 December 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is response to amendment file on 12/25/2005.

Claims 1, 11, 18, 26 are amended. This action is made FINAL.

Response to Arguments

Applicant's arguments with respect to claims **1, 11, 18, 26** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 18, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan (US RE38,127 E) in view of Tam (Patent No. 5,526,403).

Consider **claim 1**, O' Sullivan teaches networks comprising: a hybrid device for enabling telephony communications (Title, C2, L45-51, C5, L37-49, Fig.4, No.68 Illustrate hybrid communication control unit means as hybrid device); a landline connection path between said landline communications network and said hybrid device (C5, L12-25, C6, L1-6, Fig.2, Illustrate landline connection), a wireless connection path between said wireless communications network and said hybrid device (C4, L48-67, C5, L1-11, Fig.1, Illustrate wireless connection); and

a transfer device connected to the landline communications network to transfer one of said telephony communications enabled by said hybrid device from said landline

Art Unit: 2683

communications network to said wireless communications network when said switch selects said wireless connection path (C3, L1-4 teach switch/transfer connection either landline to said wireless communications network when said switch selects).

O' Sullivan teaches the limitation of claim as discuss **but fail to teach** an available unit for determining if said landline connection path is available to said hybrid device; a switch to select one of said landline connection path and said wireless connection path for operation of said hybrid device, wherein said wireless connection path is selected at least when said landline connection path is unavailable

In an analogous art, Tam teaches "Wireless interface for cellular telephone". Further, **Tam teaches** an available unit for determining if said landline connection path is available to said hybrid device; a switch to select one of said landline connection path and said wireless connection path for operation of said hybrid device, wherein said wireless connection path is selected at least when said landline connection path is unavailable (C4, L27-59, C7, L60-67, C8, L1-15, teach the users commands to select/switch landline or wireless).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify O' Sullivan and Tam system, such that a hybrid device for enabling telephony communications landline/wireless connection path between said landline/wireless communications network and switch to select landline or wireless connection, to provide means for the convenient of the users converting/switching direction using hybrid communication device.

Consider **claim 11**, Tam teaches a hybrid device for integrated landline communications and wireless communications, comprising:

a handset (Fig.4, No.11),

a landline microprocessor unit selectively connected between said handset and a landline network, a wireless microprocessor unit selectively connected between said handset and a wireless network; and a switching module to selectively activate one of said landline microprocessor unit and said wireless microprocessor unit, wherein said switching activates said wireless processor unit at least when said landline microprocessor is unable to connect to said handset (C3, L31-48, C4, L27-59, C7, L60-67, C8, L1-15, teach selected/switch between said handset and a wireless network wherein contain microprocessor unit).

Consider **claims 18 and 26**, Tam teaches a method of integrating landline communications and wireless communications, comprising:

receiving an incoming call from a landline network;

determining if a connection is available between said landline network and a user device, wherein said user device is capable of connecting with said landline network and said wireless network; routing said incoming call from said landline network to a wireless network when said connection between said landline network and said user device is not available and when said incoming call is not answered, and transmitting said incoming call to said user device from said wireless network (C6, L35-58 teach incoming call can be select landline or wireless).

Consider **claims 2 and 12**, Tam teaches the system of claim 1, wherein said hybrid device comprises: a handset providing a user interface for the hybrid device (Fig.1, No.11); a landline base station connected in said landline connection path between said landline communications network and said handset (Fig.1, No.14), the landline base station routing said telephony communications between said landline communications network and said handset; a cordless microprocessor unit connected in said landline connection path between said landline base station and said handset for receiving and transmitting said telephony communications between said handset and said landline base station (C3, L30-54), and

a wireless microprocessor unit connected in said wireless connection path between said handset and said wireless communications network for receiving and transmitting said telephony communications between said handset and said wireless communications network (C4, L27-59).

Consider **claims 3 and 13**, Tam teaches the system of claim 2, wherein said landline base station comprises a charging station for charging a power source for said handset (Fig.1, No.21 and description).

Consider **claims 4 and 9**, Tam teaches the system of claim 3, wherein said transfer device comprises: a messaging center supporting mail box services for users of the system, a media server managing and storing voice media; a routing platform providing intelligent routing of said telephony communications based on predefined

Art Unit: 2683

rules and policies; and an administrative module managing customer account information for said users (Fig.5, No.124, C5, L1-65).

Consider **claims 5 and 15**, Tam teaches the system of claim 3, wherein said handset comprises at least one of a speaker, a display, a keypad and a microphone (C4, L20-27).

Consider **claims 6 and 16**, teaches the system of claim 5, wherein said handset comprises at least one of a global positioning system tracking module and a web browser (official notice GPS is well know in handset/cellular tracking module and a web browse).

Consider **claims 7 and 17**, teaches the system of claim 3, wherein said handset comprises a pager (Fig.1, No.11, Illustrate handset which inherently can be a pager).

Consider **claims 8 and 14**, the system of claim 2, wherein said cordless connection microprocessor unit is a 900 MHz cordless microprocessor unit (Using 900MHz in cordless microprocessor is well know and regulate by FCC).

Claims 10, 19-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan (US RE38,127 E) in view of Tam (Patent No. 5,526,403) and further view of Alexis (Pub. No. 2004/0072544).

Consider **claims 10**, O'Sullivan and Tam teach the limitation of claim as discuss but fail to teach the system of claim 1, wherein said landline connection path is integrated with an Internet call managing service; and said switch is activated by a user of said Internet call managing service.

In an analogous art, Alexis teaches "'Communication system and Method". Further. Alexis teaches the system of claim 1, wherein said landline connection path is integrated with an Internet call managing service; and said switch is activated by a user of said Internet call managing service (Fig.9, Illustrate connection path is integrated with an Internet call managing service).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify O' Sullivan and Tam system, such that landline connection path is integrated with an Internet call managing service; and said switch is activated by a user of said Internet call managing service to provide means for users can access internet through landline connection.

Consider **claims 19 and 27**, Alexis teaches the method of claim 18, comprising: initiating an outgoing/incoming call from said user device, determining if said connection is available between said landline network and said user device, routing said outgoing/incoming call from said user device to said landline network when said connection is available; and routing said outgoing/incoming call from said user device to said wireless network when said connection between said landline network and said

user device is not available (Page 2, Paragraph [0017], Page 6, Paragraph [0056-0057], page 7, Paragraphs [0058-0063]).

Consider **claim 20**, Alexis teaches the method of claim 18, wherein receiving an incoming call comprises: providing notifications of said incoming call at a landline base station connected to said landline network; and proceeding to determining if said connection is available when a number of said notifications exceeds a predetermined threshold (Page 9, Paragraph [0072])

Consider **claim 21**, Alexis teaches the method of claim 20, wherein determining if said connection is available comprises: determining if said user device is within a communication range of said landline base station, and transferring said incoming call to a voice message system when said user device is within said communication range (Page 5, Paragraph [0047], Page 11, Paragraph [0085], teach RF circuitry wherein communication within range).

Consider **claims 22, 25 and 28**, Alexis teaches the method of claim 18, wherein transmitting said incoming call comprises: providing notifications of said incoming call at said user device, and transferring said incoming call to a voice message system when a number of said notifications exceeds a predetermined threshold (Page 6, Paragraphs [0056-0057], Page 7, Paragraph [0063], teach response to an incoming call, and

wherein well know in the art that transferring said incoming call to a voice message when predetermined ring are set).

Consider **claim 23**, Alexis teaches the method of claim 18, comprising:
determining which one of a plurality of user devices said incoming call is directed to;
and directing said incoming call to said one of said plurality of user devices (Page 6, Paragraph [0055]).

Consider **claim 24**, Alexis teaches the method of claim 18, wherein: routing said incoming call from said landline network to a wireless network comprises obtaining caller identification; and transferring said incoming call comprises presenting said caller identification to a user of said user device when said user answers said incoming call (Page 9, Paragraphs [0072-0075]).

Consider **claim 27**, the method of claim 26, wherein determining if a connection is available comprises determining if said one of said multiple user devices said incoming call is directed to is within a communication range of said landline base station (Page 5, Paragraphs [0047, 0066 and 0085]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

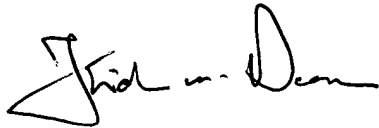
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent Examiner



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600